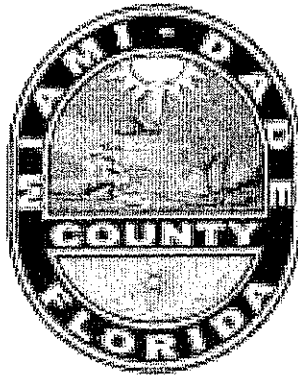


Miami-Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Fl. 33128



LEGISLATIVE ANALYSIS

Thursday, December 15, 2004
9:30 AM
Commission Chambers

Board of County Commissioners

Budget and Finance Committee

BUDGET & FINANCE ITEM 2(D)

January 15, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DIRECTING COUNTY MANAGER TO INCLUDE IN ANY PROPOSED RESOLUTION OR OTHER REQUEST SUBMITTED TO THE COUNTY COMMISSION FOR APPROVAL OF A CONTRACT, LANGUAGE PROVIDING THAT THE RESOLUTION AND CONTRACT SHALL NOT BECOME EFFECTIVE UNTIL THE TIME FOR MAKING A MOTION TO RECONSIDER HAS EXPIRED AND, IF RECONSIDERED, SHALL BECOME EFFECTIVE ONLY UPON SUBSEQUENT APPROVAL OF THE COMMISSION; PROVIDING TIME LIMITATION; DIRECTING THE COUNTY MANAGER TO INCLUDE LANGUAGE IN CONTRACT SPECIFICATIONS TO LIKE EFFECT; AND PROVIDING A WAIVER

Commissioner Jose "Pepe" Diaz

I. SUMMARY

This resolution requires that any proposed legislation to the Board of County Commissioners (BCC) for approval of a contract, once adopted, would be effective only after the time for making a motion to reconsider expires.

II. PRESENT SITUATION

Currently, a motion to reconsider can be made at the BCC meeting *following the BCC meeting at which the legislation is adopted* (generally two weeks or 14 days). However, the existing language in proposed resolutions, etc. provides that the legislation is effective ten (10) days after the date of its adoption (to allow time for a possible Mayor veto).

III. POLICY CHANGE AND IMPLICATION

In general, the time before a contract becomes effective will increase by four (4) days, which is not likely to have any effect on contract terms, but allows Commissioners to exercise their authority to request a motion to reconsider.

Because there are unforeseen circumstances that may delay a BCC meeting for a prolonged period of time, this resolution sets a maximum of sixty (60) days after adoption of the resolution. Thus, contracts would be effective after the next BCC meeting (14 days after adoption, in general) or 60 days, whichever ever comes first. In addition, the County Manager may recommend a waiver for a specific contract, when deemed to be in the best interest of the County.

IV. ECONOMIC IMPACT

None.

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V. COMMENTS AND QUESTIONS

Should this provision only apply to legislation pertaining to approval of a contract?

A motion to reconsider can only be made by someone in the prevailing party. This resolution makes no change as to the process of a motion to reconsider.

BUDGET & FINANCE ITEM 2(E)

January 15, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING CONTINUATION OF APPLICATION OF QNIP MONIES TO PAYMENT OF COST OF PROJECTS IN CITY OF MIAMI GARDENS ON CERTAIN CONDITIONS

Commissioner Betty T. Ferguson

I. SUMMARY

This resolution authorizes the distribution of Quality Neighborhood Improvement Program (QNIP) funds for previously approved projects in the City of Miami Gardens (identified in Exhibit A, handwritten page 6).

II. PRESENT SITUATION

According to the Incorporation & Annexation Unit in the Office of Strategic Management (OSBM), the current policy is that newly incorporated cities must continue to pay its share of the debt service on QNIP Bond issued prior to its incorporation. In addition, for any pending QNIP projects, the phase in progress is completed, but no additional QNIP commitment is made.

About 90% of QNIP Bonds are backed by unincorporated area revenues (i.e. utility taxes) *at the time financing is done*. Because the distribution of QNIP projects are in part based on the UMSA population, identified "priority projects," and the approval of Commissioners, there are some areas that will be the recipient of more QNIP projects than it is paying debt service for, and vice versa.

III. POLICY CHANGE AND IMPLICATION

As a condition of incorporating, the City of Miami Gardens was required to continue to pay its portion of the debt service on QNIP Bonds issued prior to its incorporation in 2003. Adopting this resolution would entitle the City of Miami Gardens to QNIP funding previously committed to it under the QNIP bonds for which it is paying debt service for.

The Board of County Commissioners would need to approve any changes to the projects list. The resolution does not preclude the ability to shift funds among the approved projects within the funding totals. The item also authorizes the County Manager to negotiate and execute a contract with the City for disbursement and monitoring of the QNIP funds. This should mitigate concerns that the City could use the funds contrary to the intent of QNIP funds.

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IV. ECONOMIC IMPACT

The referenced QNIP funds total \$5,609,588 and breakdown by category of spending as follows:

Parks	\$2,737,653	Drainage	\$1,255,095
Resurfacing	\$1,369,500	Sidewalk	\$ 247,340

Pursuant to this resolution, up to 25% QNIP funds for a particular project can be advanced to the City.

V. COMMENTS AND QUESTIONS

Section 4 of the resolution states that other municipalities within the County will not receive "Favored Nation" treatment with respect to this legislation. This means that this resolution only applies to the City of Miami Gardens. For this to apply to other recently incorporated cities, further BCC action would be necessary.

- Will this set a precedent for recently incorporated and/or future incorporated cities? Should other incorporated cities which are obligated to continue paying it share of the debt service on QNIP bonds be entitled to receive QNIP funds, pursuant to the above stated conditions, as well?

According to Capital Improvements Construction Coordination, certain projects are not fully-funded with QNIP monies. For example, it may be only 80% QNIP and 20% other County funds.

- Pursuant to this resolution, the City of Miami Gardens would only be entitled to the QNIP funds.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION URGING MUNICIPALITIES TO UTILIZE A UNIFORM MUNICIPAL ELECTION DATE

Commissioner Joe A. Martinez

I. SUMMARY

This resolution *urges* municipalities to hold their elections on the same date.

II. PRESENT SITUATION

Currently, most municipalities hold their elections on their own specified dates throughout the year.

III. POLICY CHANGE AND IMPLICATION

This resolution alone does not mandate that municipalities hold their elections on the same date. In some jurisdictions, changing the dates would require a charter change and either shortening or lengthening the terms of existing office holders the first time the dates are changed. Some municipalities feel their elections receive more publicity if they are on their own date (although voter turnout is higher when there are general elections).

Because the voting machines are already equipped to handle hundreds of ballot styles, no upgrading or reconfiguring would be needed.

IV. ECONOMIC IMPACT

A rough estimate provided by Elections of the potential savings to the department is \$1 million per year during even numbered years (when municipalities can piggy-back on countywide elections that are already held). Municipal taxpayers would save additional dollars because the direct election costs – which municipal governments reimburse the County for – would be spread among more municipalities on each election day. All cities do not have to participate for savings to be realized; there would still be some savings if more cities use the same schedule.

According to Elections, as we move toward a more consolidated elections schedule, a reduction in seasonal help and overtime pay could result, although this may take years because it would take time for true consolidation and we are not forcing municipalities to change their dates. The department does not foresee a reduction in full-time positions in the near future because most of the full-time positions are needed for many non-Election Day tasks (voter registration, candidate filing, public records, etc.).

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V. COMMENTS AND QUESTIONS

Elections indicates that they would probably work through the Dade League of Cities to inform municipalities and then provide staff as necessary to facilitate the consolidation of the election schedule for those municipalities that choose to participate. In addition, as the Supervisor of Elections is meeting with municipal clerks and other municipal officials around the County, she is advising them that having a consolidated election schedule would reduce costs.

Below is the Elections schedule for the calendar year 2004. Note that most election dates are within days or weeks of each other.

01/27/2004 Florida City - General Municipal
02/03/2004 Islandia - Primary
02/10/2004 Florida City - Run-Off Municipal
02/10/2004 South Miami - General Municipal
02/20/2004 Indian Creek Village - General Municipal
03/02/2004 Islandia - General Municipal
03/09/2004 Miami-Dade County - Presidential Preference
03/16/2004 Surfside - General Municipal
04/06/2004 Bay Harbor Islands - Regular Municipal
04/06/2004 Medley - General Municipal
04/13/2004 West Miami - Regular Municipal
04/20/2004 Bay Harbor Islands - Run-off (if tie vote)
04/20/2004 Medley - Run-off (if tie vote)
08/31/2004 Miami-Dade County - First Primary
08/31/2004 Palmetto Bay - General Municipal
10/05/2004 Miami Lakes - General Municipal
10/05/2004 Palmetto Bay - Run-off
10/19/2004 Miami Lakes - Run-off
10/19/2004 Opa-locka - Primary
11/02/2004 Miami-Dade County - General
11/02/2004 North Bay Village - General Municipal
11/02/2004 Opa-locka - General Municipal
11/02/2004 Pinecrest - General Municipal
11/09/2004 Key Biscayne - Primary
11/16/2004 North Bay Village - Run-off
11/16/2004 Pinecrest - Run-off
11/23/2004 Key Biscayne - General Municipal
12/14/2004 El Portal - General Municipal

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AMENDING ADMINISTRATIVE ORDER 3-34 GOVERNING THE FORMATION AND PERFORMANCE OF SELECTION COMMITTEES TO AUTHORIZE USE OF THREE MEMBER SELECTION COMMITTEES FOR SMALLER RFPS AND RFQS, AND TO AUTHORIZE THE ADDITION OF NONVOTING TECHNICAL ADVISORS

Commissioner Rebeca Sosa

RESOLUTION AMENDING ADMINISTRATIVE ORDER 3-34 GOVERNING THE FORMATION AND PERFORMANCE OF SELECTION COMMITTEES

Procurement Management Department

I. SUMMARY

Items amend Miami- Dade County Administrative Order 3-34 (A.O. 3-34), which governs the formation and performance of selection committees in the procurement process.

II. PRESENT SITUATION

Pursuant to A.O. 3-34, selection committees are utilized in the procurement process for the evaluation of offers, proposals or quotes submitted by individuals and firms seeking contract award.

III. POLICY CHANGE AND IMPLICATION

Both items amend the selection committee process adding language that a selection committee of 3 members may only be used for *RFP/RFQ's that are under the dollar threshold for formal sealed bids* (currently, \$100,000).

Item 2(k) provides additional language that includes and allows the Director of the user department, and the Directors of the Departments of Business Development and Procurement Management the opportunity to request additional non-voting technical advisors to supplement the technical expertise of selection committees.

Item 3(f) adds Effective Date language, which makes the item effective sixty days after approval by the Board of County Commissioners and shall apply prospectively. [Item 2(k) does not make specific reference to effective date; thus, it would be ten days after adoption].

IV. ECONOMIC IMPACT

No fiscal impact is anticipated, provided that "technical advisors" are not compensated for their time and services.

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V. COMMENTS AND QUESTIONS

The advisor being specified as "non-voting" limits the extent of influence they will have in the selection committee process. Can all specified departments use non-technical advisors? Can there be more than one technical advisor that can serve at the same time?

The item specifically delegates the ability to select advisors to Department Directors, not the County Manager.

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LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPOINTING SQUIRE, SAUNDERS & DEMPSEY, L.L.P. WITH THE KNOX FIRM, HOLLAND & KNIGHT LLP WITH LAW OFFICES OF STEVE E. BULLOCK, P.A., AND GREENBERG TRAUIG, P.A. WITH EDWARDS & CARSTARPHEN TO COUNTY BOND COUNSEL POOL; BRYANT MILLER & OLIVE P.A. WITH MANUEL ALONSO-POCH, P.A., ADORNO & YOSS, P.A. WITH CLYNE & SELF, P.A., AND FOLEY & LARDNER WITH RICHARD KUPER P.A. TO THE AUTHORITY BOND COUNSEL POOL; HUNTON & WILLIAMS, LLP WITH LAW OFFICES WILLIAMS & ASSOCIATES, P.A., HOGAN & HARTSON, L.L.P. WITH MCGHEE & ASSOCIATES AND LAW OFFICES JOSE A. VILLALOBOS, P.A. AND EDWARDS & ANGELL, LLP WITH RASCO REININGER PEREZ & ESQUENAZI, P.L. TO THE DISCLOSURE COUNSEL POOL AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE LETTERS OF ENGAGEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY RFQ NOS. 53A & B

Procurement Management Department

I. SUMMARY

This resolution authorizes award to the following firms to County Bond Counsel, Authority Bond Counsel and Disclosure Counsel Pools (RFQ 53A and 53B):

County Bond Counsel Pool (County Pool)

Respondent Firm

Squire Sanders & Dempsey L.L.P.
Holland & Knight L.L.P.
Greenberg Traurig, P.A.

Associate Firm

The Knox Firm
Law Offices of Steve E. Bullock, P.A.
Edwards & Carstarphen

Authority Bond Counsel Pool (Authority Pool)

Respondent Firm

Bryant Miller & Olive, P.A.
Adorno & Yoss, P.A.
Foley & Lardner

Associate Firm

Manuel Alonso-Poch, P.A.
Clyne & Self, P.A.
Richard Kuper, P.A.

Disclosure Bond Counsel Pool (Disclosure Pool)

Respondent Firm

Hunton & Williams, L.L.P.
Hogan & Hartson, L.L.P.

Edwards & Angell, L.L.P.

Associate Firm

Law Office Williams & Associates, P.A.
McGhee & Associates and Law Offices Jose Villalobos, P.A.
Rasco Reininger Perez & Esquenazi, P.L.

The term of the contracts will be for one (1) year and four (4) one-year options to renew.
Contract measures are not applicable to bond counsel, pursuant to County administrative orders.

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II. PRESENT SITUATION

In 1998, through RFQ BC 97/98, the following joint ventures were selected for the County's Bond Counsel Pools to be awarded work on a rotating basis:¹

County Bond Counsel Pool

<u>Senior Firm</u>	<u>Jointly with (Junior firm)</u>	<u>Fees paid as of 4/03</u>
Greenberg Traurig et al	Edwards & Carstarphen	\$465,179
Holland & Knight	The Law Offices of Steve Bullock, P.A.	\$582,250
Squire Sanders & Dempsey	McCrary & Associates ²	\$463,951

Authority Bond Counsel Pool

<u>Senior Firm</u>	<u>Jointly with (Junior firm)</u>	<u>Fees paid as of 4/03</u>
McKenzie, McGhee & Harper	Villalobos Law Firm	\$288,060
Ruden McClosky	Lacasa & Associates	\$298,750
Sales Goodloe & Golden	DeLa Pena, etal & Williams	\$362,250
Nabors, Giblin & Nickerson	Law Offices Harold Long	\$412,500

County Bond Counsel Pool

<u>Senior Firm</u>	<u>Jointly with (Junior firm)</u>	<u>Fees paid as of 4/03</u>
Adorno & Zeder and Jones Hall	Clyne & Associates	\$935,000
Bryant Miller & Oliver	Manuel Alonso & Poch	\$946,098
Eckert Seamans et al.	Haley, Sinagra & Perez, P.A.	\$960,397

The contract period is for three (3) years with two (2) one-year options to renew. The current contract expired in November 2003, but was extended for up to six months until these new pools are established (Resolution #R-1324-03).

III. POLICY CHANGE AND IMPLICATION

Note the following RFQ conditions:

- Inclusion in any of the Pools does not guarantee work. The RFQ states that the County will assign transactions to the Pool members within each Pool on a rotational basis with a view for an equal division of work based on compensation earned and quantity of work.
- The same firms were not eligible to serve in all pools, but there was no restriction as to awarding of contracts to incumbents. Assignments to the County Pool were made before the Authority Pool. Thus, the fourth, fifth and sixth ranked firms were awarded to the Authority Pool because the first, second and third ranked firms were already awarded to the County Pool. The top three ranked firms were selected under the Disclosure Pool.
- The County has the discretion to allow a Respondent to replace its Associate Counsel, given that the firm meets certain requirements, if the termination of the contract with Associate Counsel is altered due to events beyond its control (e.g. the death of an

¹ See handwritten pages 86-90 in this item for all the bond transactions and fees paid for each.

² The Knox Firm replaced McCrary & Associates in June 2003.

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attorney). This would eliminate the need to come to the Board of County Commissioners (BCC) for a waiver, as in under the current contract when an Associate Counsel was replaced in June 2003, after BCC approval.

IV. ECONOMIC IMPACT

It is projected that \$500,000 will be expended per year under each pool; however, the actual amount will vary depending on the amount of bond transactions. The total spent on all bond counsel services (as of April 2003) was \$6.1 million over five years (approx. \$400,000 per year per Pool). Calculation of the total fee is based on the size of the bond issue and the split between the firms. Payment for these services will be from bond issuance proceeds.

V. COMMENTS AND QUESTIONS

The current RFQ required a joint venture of a "Senior" firm and "Junior" firm. The junior firm was required to be minority-owned and controlled, in existence for six months prior to the due date of the RFQ, and to have an operational office within Miami-Dade County. This new RFQ did not have this junior firm requirement, but did require the associate firm to have gross revenues of less than \$5 million annually for the past three years.